

UNITED STATES SENATOR * NORTH CAROLINA

RICHARD BURR

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FACSIMILE TRANSMISSION		
TO:	Senate Liaison	
ORGANIZATION/AGENCY:	Environment	al Protection Agency (202-501-1519)
DATE/TIME:	05/15/2017	
SUBJECT:	Issue with Water at Campground	
NUMBER OF PAGES (including cov	er):	
SENT BY:		
David Helsley		
Comments:		All (1977) 1990 - 1
Good afternoon.		RMS communications
Is there any addtional information ava	llable regarding	ncerus?
Any information is greatly appreciated	2017	
	la sac straight	ALT Washington and the second
DAVIDHELSLEY CONSTITUENT ADVOCATE		
SENATOR RICHARD BURR (NC)		
E 277		

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January 21, 2017

Senator Richard Burr 225 Dirksen Senate Office Building Washington D. C. 20510

Senator Burr:

First of all I would like to thank you for diligently working to help me with the water quality on my property at

that is not correct. The water quality problem has never been with (b) (6)

pond. Of course there would be no water quality violations from samples taken from the pond because there are no cows being watered from the pond.

The problem is the small branch that runs from the dam of the pond through about 200 feet of (b) (6) s property then onto our property. This is where (b) (6) is letting his cows into the branch. And no, twelve cows would not reach the federally defined threshold of a CAFO if they were indeed being watered from the 3-acre pond, but I know that the twelve cows in confinement on this small stretch of the branch would be in violation if I could only get someone to listen to me. Senator Burr, the pictures I sent you should be proof of what I'm saying.

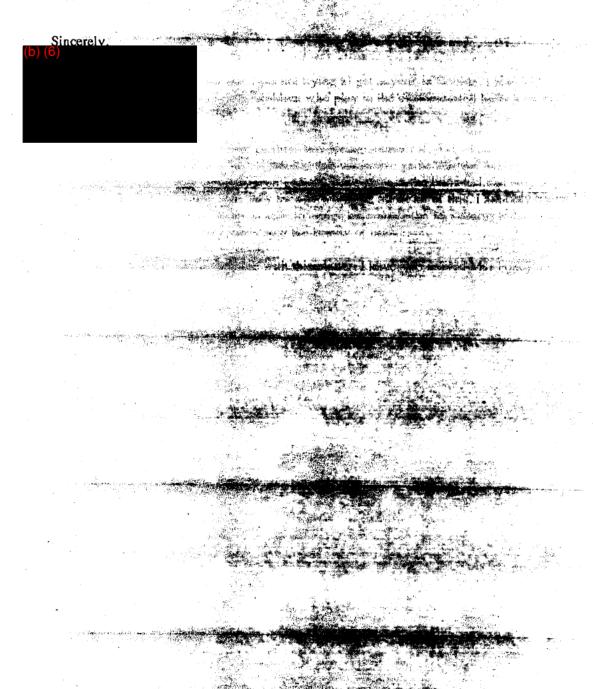
I have not been complaining about the water quality of the pond, it's the branch below the pond. The only complaint I've had about the pond is that since it is so large the small branch that feeds it cannot keep it full, so therefore the branch on my property dries up in the summer. Who wouldn't be upset about that!

Another point I'd like to make is that (b) (6) The past three months, proving that they do not have to water their cows from the branch. I can promise you one thing though, as soon as it warms up and we have campers on site the cows will be let back into the branch, because that is what happened all last year.

Again, I want to make it clear that I am not trying to get anyone in trouble. I am only working to keep people, especially children who play in the contaminated branch on my property safe.

Senator Burr, I will send you more pictures this spring/summer if, and when the cows are allowed to get back in the branch. Hopefully, this vindictive game that the (b) (6) 's have been playing is over and they won't let the cows back in the branch. I can only hope this will be the case because I am very tired of worrying about all of this. I am only trying to run a small business that allows people to camp, hike along the Mountains to Sca trail that runs through our property, and enjoy the beauty of nature.

Thank you again for your assistance with this matter. I have also mailed Ms. Toney a copy of this letter.



RECEIVED

I.S. Senate

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 2 0 2016

The Honorable Richard Burr United States Senator 225 Dirksen Senate Office Building Washington D.C. 20510

Dear Senator Burr:

Thank you for your October 27, 2016, fax to the U.S. Environmental Protection Agency on behalf of your constituent. (b) (6) raised a number of issues including possible contamination to a small branch (creek) cause by a neighbor's construction of an in-stream pond, incorrect results from water quality testing conducted on the pond by Wilkes County Soil and Water Conservation and The North Carolina Department of Water Resources and a request for the EPA to inspect the pond for contamination. (b) (6) also noted that the pond was built in the stream to provide water for their neighbor's cows. Your request to identify whether these issues falls under the jurisdiction of the EPA has been forwarded to our office in Atlanta, Georgia, for response

Under the Clean Water Act, the EPA may regulate an animal feeding operation when it meets the regulatory definition of a concentrated animal feeding operation (CAFO). Generally, CAFOs are regulated based upon the type and the number of animals that are in confinement. In this case, a small family farm with 12 cows does not reach the federally defined threshold of a CAFO, therefore, it is not subject to permitting requirements under our jurisdiction. Staff in our National Pollutant Discharge Elimination System Permitting and Enforcement Branch discussed this issue with Ms. Debra Watts, at the North Carolina Department of Environmental Quality (NC DEQ) and was informed that the Winston-Salem Regional Office did investigate the Concerns, and in August 2016 took water samples that showed no water quality violations.

More information needs to be provided to determine if the construction of this p and would be exempt from the permitting requirements of the CWA under Section 404(f). Please have the (b) (6) contact Henry Wicker, Deputy Chief at the Wilmington District U.S. Army Corp of Engineers regarding questions about 404 exemptions. Mr. Wicker can be reached by telephone at (910) 251-28403, or by email at Henry M. Wicker. JR@usace.army.mil.

We appreciate the (b) (6) interest in maintaining clean water in the Elkin watershed and The Big Elkin Creek and hope we have addressed their questions and concerns. If you have questions or need additional information from the EPA please contact me or Allison W. in the Region 4 Office of Government Relations, at (404) 562-8327.

Sincerely,

Heather McTeer Toney Regional Alministrator



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TAL AGENCY OR DEPARTMENT: Please specify the name of the Federal Agency of Department involved in the space provided below:

Vilkes County Soil and Water Conservation, Michael Pardue VC Department of Water Resources, Tom Boyd PLE SE PRINT ALL INFORMATION CLEARLY: Circle Professed Title: Mr. Mrs. Or.

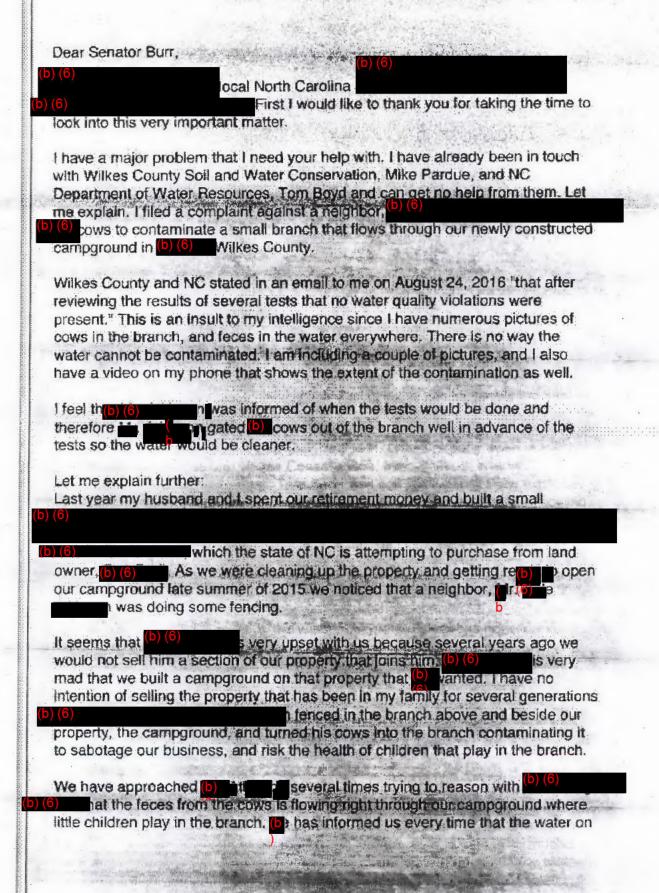
garding the nature of the

ions that are pertinent to your still ution if you are requesting assistance with a disability claim. Please attach copies of any additional pertinent documents.

Pleas Is turn form to: Senate Richard Burr 217 Russell Senate Office Building Washington, DC 20510 Fax: (306) 725-4493

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DH



(b)(6)

We have tried every way to fix this problem, but (b) (6)

If not get the cows out of the branch. (b) has been watering these 12 or so cows from (b) well for the last 11 years until we opened the campground. Now (b) (6)

the safety and welfare of all those who share the contaminated water down stream from (b) (6)

Not only has become a slim pit, and haven for mosquitoes.

I would also like to know if his pond/lake up stream could be inspected? The water flow down the branch since (b) (6)

and is nonexistent in dry weather, which hever happened until the lake was built, has made the statement to some that (b) (6) lised the overflow pipe after (b) was made by county officials to adjust it down so the same amount of water going into the pond would come out of the pond. I have not said anything about this for years trying to keep peace between (b) (6) is doing now by contaminating the branch with no concern for public safety is totally unacceptable. I will not be a part of letting a child get sick because of cow feces coming down through our campground without doing everything I can to stop if

Please help us resolve this situation contaminated branch flows into the source.

I realize that there is no law to prohibit farmers from watering their livestock out of creek water, but surely there is a law to protect the water where children play.

Thank you so much for your time, and any help you carreive me would be greatly appreciated.

It is not my intent to get anyone in trouble, or cause trouble, I am just doing everything I possibly can to make sure no one gets sick from the water that is flowing through our property/campground.

Sincerely,